IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 685 of 2000(C)

CRA.66/1996 OF SESSIONS COURT, PALAKKAD,
CC.293/1994 OFJUDL.MAGISTRATE OF FIRST CLASS COURT, OTTAPPALAM.
.....

REVISION PETITIONER/APPELLANT/FIRST ACCUSED:

KUNHANIYAN ALIAS SANKARANARAYANAN,
S/O. SANKARANARAYANAN, RESIDING AT KURUVAYIL THEKKETHIL VEEDU,
THIRUNARAYANAPURAM, THIRUVAZHIYODE, OTTAPALAM,
PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH,
ADV. SRI.T.C.SURESH MENON.

RESPONDENTS/NOT PARTY/ NOT PARTY/ COMPLAINANT:
----

1. **THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

2. **THE SUB INSPECTOR OF POLICE, SREEKRISHNAPURAM POLICE STATION, (CRIME NO. 98/94), OTTAPALAM, PALAKKAD.**

BY PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. Koshy, J.

Crl.R.P. No. 685 of 2000

Dated this the 3rd day of December, 2007

Order

Revision Petitioner was convicted and sentenced to undergo rigorous imprisonment for six months under section 380 of the Indian Penal Code for stealing a motor. According to the prosecution, on 27.6.1994 at about 10 o'clock in the night, accused 1 and 2l broke open the lock of the house of PW1 and opened the door and committed theft of a motor and 25 coconuts and thereby the accused committed the above mentioned offences. Evidence of PW1 proves the theft from his house. PW6 stated that A1 on questioning confessed the above on the information furnished by him. The motor was recovered from the canal bund. Even though witnesses to the recovery turned hostile, they admitted their signature. There is nothing to disbelieve the investigating officer. It cannot be stated that ഓവു ചാൽ or drainage is a place as everybody can notice the motor. The recovery is proved. The conviction imposed by the trial court was upheld by the appellate court also. There is no ground for interfering in the conviction in revisional jurisdiction reversing the concurrent findings of fact. Considering the fact that at the time of the offence, the accused was aged only

27 years and 11 years have passed after the crime and also considering the fact that he was never convicted for any offence prior to this or after this, I reduce the sentence and instead of imprisonment for six months, he is sentenced to undergo rigorous imprisonment for one month with right of set off and to pay a fine of Rs.5,000/-. If fine amount of Rs.5,000/- is not paid, he shall suffer default sentence for one month.

The Criminal Revision Petition is allowed partly.

J.B.Koshy
Judge

vaa

J.B. KOSHY, J.

Crl.R.P. No.685/2000

Order

Dated:3rd December, 2007